

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:09-HC-2160-BR

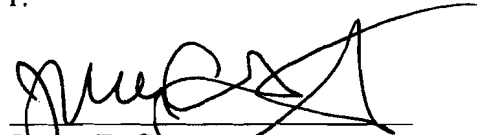
UNITED STATES OF AMERICA,)
)
 Petitioner,)
)
 v.)
)
GLENN WRIGHT,)
)
 Respondent.)

ORDER

This case came before the court on 12 August 2011, in part, for a hearing on the pro se motion (D.E. 23) of respondent for substitute counsel and the related pro se motion (D.E. 22) for service on him directly under Rule 5 of the Federal Rules of Civil Procedure. As discussed at length at the hearing, the court finds that the circumstances underlying both motions concern primarily problems in communication between counsel and respondent that are remediable. The motions (D.E. 22, 23) are therefore DENIED WITHOUT PREJUDICE.

At the hearing, the government stated its objection to respondent's pending motion to dismiss (D.E. 21) on the grounds that it was filed pro se even though respondent is represented by counsel, citing *United States v. Singleton*, 107 F.3d 1091, 1103 (4th Cir. 1997) (upholding discretion of district court to restrict hybrid representation) and an order by the presiding Senior District Judge in this case denying without prejudice a pro se motion in another case on such grounds (10 Aug. 2011 Order (D.E. 87), *United States v. Horn*, No. 5:07-HC-2177 (E.D.N.C.) (Britt, J.)). In response to the objection, counsel for respondent stated that he would take over pursuit of the dismissal issue. The court therefore deems the pro se dismissal motion (D.E. 21) to be WITHDRAWN WITHOUT PREJUDICE, and the Clerk is directed to terminate it.

SO ORDERED, this 15th day of August 2011.



James E. Gates
United States Magistrate Judge